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10/672,362	09/26/2003	Denny Jaeger	4332	3041

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,362

Applicant(s)

JAEGER, DENNY

Examiner

Thanh T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 01/26/2007.

Claims 1-38 are pending in this application. In the Amendment, claims 39-43 were added, and claims 1, 2-3, 8, 14, 20, 22, 27, and 33 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Frulla et al. (“Frulla”, U.S. Pat. No. 6,424,357).

Per claim 1, Frulla teaches a method for recording operations in a computer environment, said method comprising:

automatically saving initial conditions of said computer environment when a recording is initiated (fig. 2; step 68; col. 8, lines 45-53; *sequential mouse and keyboard events are automatically stored in repository because the system never ask the user to manually save such sequence of events*), said initial conditions corresponding to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay (figs. 2 and 3; col. 9, lines 5-10; col. 11, lines 1-15; *activation of a voice command*), using said initial conditions, said initial state being a particular state from a plurality of possible states for said computer environment (col. 8, lines 30-35, and 50-53; col. 9, lines 29-33; *since each voice command is preferably configured to store at least 50 mouse, keyboard, or*

mouse/keyboard events, the examiner considers the first mouse/keyboard event of the sequential mouse and key events as the initial state); and ; and

recording user inputs to said computer environment to produce a recorded session of said operations in said computer environment (fig. 2; steps 60-65; col. 8, lines 26-29).

Per claim 2, Frulla teaches the method of claim 1 wherein said recording includes saving positional changes of a cursor in said computer environment (col. 8, lines 31-38).

Per claim 3, Frulla teaches the method of claim 1 wherein said automatically saving includes recording said initial conditions of said computer environment in a first computer file, and wherein said recording includes saving said user inputs to said computer environment in a second computer file (fig. 2; col. 8, lines 16-22 and lines 31-38; col. 9, lines 13-16; voice command name is stored in repository 54 and functionality are implemented by coding the functionality into a function that is linked to voice command name).

Per claim 4, Frulla teaches the method of claim 1 wherein said recording includes recording positional information of said user inputs in said computer environment relative to a screen on which said computer environment is being displayed (fig. 2; step 62; col. 8, lines 31-37).

Per claim 5, Frulla teaches the method of claim 1 wherein said recording includes recording timing information of said user inputs (col. 6, lines 8-18; col. 8, lines 31-38; sequence of event are recorded in order).

Per claim 6, Frulla teaches the method of claim 1 further comprising editing said initial conditions of said computer environment after said initial conditions have been saved (col. 8, lines 14-17; col. 8, line 60-col. 9, line 6; col. 10, lines 6-15; edit mode).

Per claim 7, Frulla teaches the method of claim 1 further comprising editing said user inputs to said computer environment after said user inputs have been saved (col. 8, lines 14-17; col. 8, line 60-col. 9, line 6; col. 10, lines 6-15; edit mode).

Per claim 8, Frulla teaches the method of claim 1 further comprising: assigning said recorded session to a graphic control device such that said recorded session is replayed when said graphic control device is activated (col. 6, lines 8-18 and lines 55-64; col. 10, lines 26-34).

Per claim 9, Frulla teaches the method of claim 1 further comprising replaying said recorded session in a replay computer environment using said user inputs such that said replay computer environment is actively operated by said user inputs to replay said recorded session in said replay computer environment (col. 6, lines 8-18 and lines 55-64; col. 10, lines 5-34).

Per claim 10, Frulla teaches the method of claim 9 wherein said replaying includes configuring said replay computer environment using said initial conditions to a state that is substantially identical to said initial state of said computer environment (col. 6, lines 55-64).

Per claim 11, Frulla teaches the method of claim 10 further comprising creating said replay computer environment as a copy of a current computer environment from which replay of said recorded session has been initiated (col. 6, lines 55-64; col. 7, lines 25-35; col. 8, lines 1-8).

Per claim 12, Frulla teaches the method of claim 11 wherein said creating includes positioning said replay computer environment over said current computer environment (col. 6, lines 55-64).

Per claim 13, Frulla teaches the method of claim 9 wherein said replaying includes selectively delaying said user inputs applied to said replay computer environment such that each

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of said user inputs is processed before a subsequent user input of said user inputs can be processed (col. 7, lines 52-61).

Per claim 14, Frulla teaches a method for replaying recorded computer operations, said method comprising:

automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated such that the state of said replay computer environment is substantially equivalent to an initial state of said recorded computer environment when said recorded computer operations were recorded (figs. 2 and 3; col. 9, lines 7-11 and lines 29-34; col. 11, lines 5-17; *mouse and keyboard events are automatically playback in the same order which they were recorded*); said recorded initial conditions corresponding to said initial state of said recorded computer environment when said recorded computer operations were recorded, said initial state of said recorder computer environment being a particular state from a plurality of possible states for said recorded computer environment (col. 8, lines 30-35, and 50-53; col. 9, lines 29-33; since *each voice command is preferably configured store at least 50 mouse, keyboard, or mouse/keyboard events, the examiner considers the first mouse/keyboard event of the sequential mouse and key events as the initial state*); and

applying recorded user inputs to said replay computer environment in said state to actively operate said replay computer environment as a replay of said recorded computer operations (col. 7, lines 36-45; col. 9, lines 7-21; col. 11, lines 5-15; *mouse and keyboard events are automatically playback in the same order which they were recorded*).

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Per claim 15, Frulla teaches the method of claim 14 wherein said applying includes applying recorded positional changes of a cursor (fig. 2; step 85; col. 6, lines 6-18; col. 9, lines 7-11).

Per claim 16, Frulla teaches the method of claim 14 further comprising creating said replay computer environment as a copy of a current computer environment from which replay of said recorded session has been initiated (col. 6, lines 55-64; col. 7, lines 25-35; col. 8, lines 1-8).

Per claim 17, Frulla teaches the method of claim 14 wherein said creating includes positioning said replay computer environment over said current computer environment (col. 6, lines 55-64).

Per claim 18, Frulla teaches the method of claim 14 wherein said applying includes selectively delaying some of said user inputs applied to said replay computer environment such that each of said user inputs is processed before a subsequent user input of said user inputs can be processed (col. 7, lines 52-61).

Per claim 19, Frulla teaches the method of claim 14 further comprising displaying a graphic representation of a control device to illustrate one or more of said recorded user inputs (col. 7, lines 1-10).

Claims 20-32 are rejected under the same rationale of claims 1-13 respectively.

Claims 33-38 are rejected under the same rationale of claims 14-19 respectively.

Per claim 39, Frulla teaches the method of claim 1 wherein said automatically saving includes automatically saving said initial conditions of said computer environment in a log file, said log file including complete definitions of every control in said computer environment (col.

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10, lines 45-48; col. 8, lines 45-55 *sequential mouse and keyboard events are automatically stored in repository*).

Per claim 40, Frulla teaches the method of claim 6, wherein said editing said initial conditions includes editing one or more graphic items in said computer environment independent of said user inputs to modify said initial state of said computer environment (col. 8, lines 60-67; col. 9, lines 25-40; col. 10, lines 6-15; *setting a voice command for a particular graphical icon*).

Per claim 41, Frulla teaches the method of claim 7, wherein said editing said user inputs includes editing moving one or more mouse events after said mouse events have been recorded as some of said user inputs independent of said initial conditions (col. 4, lines 21-25; col. 10, lines 7-15; *editing existing voice command sequences*).

Per claim 42, Frulla teaches the method of claim 11, wherein said creating comprises:
creating a connection for said replay computer environment (col. 9, lines 25-40; overlay voice command);

establishing said connection between said replay computer environment and said current computer environment on a predetermined port (col. 8, lines 50-54; col. 9, lines 25-40; col. 11, lines 5-17; *sequential mouse and keyboard events of a voice command is connected to an actual computer environment*):

sending message across said connection from said current computer environment said replay computer environment to control said replay computer environment (col. 7, lines 50-61; col. 9, lines 42-47; *reporting a command*); and

sending acknowledgement across said connection from said replay computer environment to said current computer environment and said current computer environment (col. 7, lines 50-61; col. 9, lines 42-47; *reporting and confirming a command*).

Per claim 43, Frulla teaches the method of claim 14, wherein said automatically loading includes automatically loading a log file into said replay computer environment, said log file including complete definitions of every control in said recorded computer environment with respect to said initial state (col. 10, lines 45-48; col. 8, lines 45-55 *sequential mouse and keyboard events are automatically stored in repository*).

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Frulla does not teach "automatically saving initial conditions of said computer environment when a recording is initiated, said initial conditions corresponding to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay, using said initial conditions, said initial state being a particular state from a plurality of possible states for said computer environment. The examiner does not agree because Frulla teaches automatically saving initial conditions of said computer environment when a recording is initiated (fig. 2; step 68; col. 8, lines 45-53; *sequential mouse and keyboard events are automatically stored in repository because the system never ask the user to manually save such sequence of events*), said initial conditions corresponding to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay (figs. 2 and 3; col.

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9, lines 5-10; col. 11, lines 1-15; *activation of a voice command*), using said initial conditions, said initial state being a particular state from a plurality of possible states for said computer environment (col. 8, lines 30-35, and 50-53; col. 9, lines 29-33; since *each voice command is preferably configured to store at least 50 mouse, keyboard, or mouse/keyboard events, the examiner considers the first mouse/keyboard event of the sequential mouse and key events as the initial state*).

Applicant also point out that Frulla does not teaches automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated such that the state of said replay computer environment is substantially equivalent to an initial state of said recorded computer environment when said recorded computer operations were recorded; said recorded initial conditions corresponding to said initial state of said recorded computer environment when said recorded computer operations were recorded, said initial state of said recorder computer environment being a particular state from a plurality of possible states for said recorded computer environment. The examiner does not agree because Frulla teaches automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated such that the state of said replay computer environment is substantially equivalent to an initial state of said recorded computer environment when said recorded computer operations were recorded (figs. 2 and 3; col. 9, lines 7-11 and lines 29-34; col. 11, lines 5-17; *mouse and keyboard events are automatically playback in the same order which they were recorded*); said recorded initial conditions corresponding to said initial state of said recorded computer environment when said recorded computer operations were recorded, said initial state of said recorder computer

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environment being a particular state from a plurality of possible states for said recorded computer environment (col. 8, lines 30-35, and 50-53; col. 9, lines 29-33; since *each voice command is preferably configured store at least 50 mouse, keyboard, or mouse/keyboard events, the examiner considers the first mouse/keyboard event of the sequential mouse and key events as the initial state*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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